

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

<b>DAVID HOLZMAN,</b>	)	CIVIL NO. CV04 00009 SOM-KSC
	)	
Plaintiff,	)	
	)	
vs.	)	DECLARATION OF ROBERT M.
	)	YAMAUCHI; Exhibit "K"
<b>COMMERCIAL FORCED AIR, INC.,</b>	)	
<b>JOHN DOES 1-10, JANE DOES 1-10,</b>	)	
<b>DOE PARTNERSHIPS 1-10, DOE</b>	)	
<b>CORPORATIONS 1-10, DOE</b>	)	
<b>ENTITIES 1-10 and DOE</b>	)	
<b>GOVERNMENTAL UNITS 1-10,</b>	)	
	)	
Defendants.	)	
	)	
	)	

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DECLARATION OF ROBERT M. YAMAUCHI

I, ROBERT M. YAMAUCHI, declare as follows:

1. I am an attorney with the law firm of MacDonald Rudy Byrns O'Neill & Yamauchi, a Limited Liability Law Partnership, LLP, which represents David Holzman (hereinafter "Plaintiff") in this action. I have personal knowledge of and I am able and competent to testify as to the matters set forth herein.

2. To date, Plaintiff has incurred a total of \$84,757.29 in attorney's fees, Hawaii general excise tax ("GET"), costs and Dispute Prevention & Resolution, Inc. ("DPR") medication and arbitration fees as detailed below:

## Complaint and CFA Counterclaim

Attorneys' fees	\$54,346.86	
GET	<u>\$ 2,276.12</u>	
Subtotal		\$56,622.98

## CFA Motion to Withdraw

Attorneys' fees	\$ 2,442.50	
GET	<u>\$ 101.75</u>	
Subtotal		\$ 2,544.25

## Motion to Compel Arbitration

Attorneys' fees	\$1,860.00	
GET	<u>\$ 77.49</u>	
Subtotal		\$ 1,937.49

## Motion for Sanctions

Attorneys' fees	\$17,113.02	
GET	<u>\$ 712.93</u>	
Subtotal		\$17,825.95

## Costs re: Complaint and CFA Counterclaim

Attorneys' fees, GET and costs	<u>\$ 426.62</u>	
		\$79,357.29

## DPR

Mediation fee	\$ 1,000.00	
Arbitration fee	<u>\$ 4,400.00</u>	
Subtotal		<u>\$ 5,400.00</u>

Total		<u><u>\$84,757.29</u></u>
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A detailed breakdown of said attorneys' fees, Hawaii general excise tax and costs incurred by Plaintiff is contained in invoices dated July 14, 2004 (No. 10011), July 15, 2004 (No. 10012), August 11, 2004 (No. 10074), September 20, 2004 (No. 10137), November 29, 2004 (No. 10177), March 7, 2005 (No. 10237), June 24, 2005

(No. 10264), November 8, 2005 (No. 10310), June 15, 2006 (No. 10435), and July 24, 2006 (No. 10457), true and correct copies of which are attached hereto as Exhibit “K” and made a part hereof.

3. I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

DATED: Honolulu, Hawaii, July 24, 2006.

  
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ROBERT M. YAMAUCHI